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**APPEALS BOARD  
UTAH LABOR COMMISSION**

**PAUL D. HANSEN,**

**Petitioner,**

**vs.**

**GSM ELECTRIC and UNINSURED  
EMPLOYERS FUND,**

**Respondents.**

**ORDER AFFIRMING  
ALJ'S DECISION**

**Case No. 07-0033**

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GSM Electric asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge Holley's award of benefits to Paul D. Hansen under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Annotated § 63-46b-12 and § 34A-2-801(3).

**BACKGROUND AND ISSUE PRESENTED**

Mr. Hansen claims workers' compensation benefits for an injury to his left index finger allegedly caused by his work for GSM Electric. In response to Mr. Hansen's claim, GSM asserts that Mr. Hansen was not employed by GSM at the time of his injury. After a formal evidentiary hearing, Judge Holley concluded that Mr. Hansen was employed by GSM at the time of his accident and is entitled to workers' compensation benefits for his injury.

In requesting Appeals Board review of Judge Holley's decision, GSM contends that Judge Holley erred in accepting Mr. Hansen's version of the circumstances surrounding his injury. GSM also argues that Judge Holley erred in refusing to hear testimony regarding Mr. Hansen's alleged dishonest conduct of stealing a computer from the work site.

**DISCUSSION**

In reviewing this matter, the Appeals Board recognizes that Mr. Hansen and GSM have submitted very different versions of their relationship at the time of Mr. Hansen's accident. Discrepancies exist in both versions. Nevertheless, based on the witnesses' testimony during the formal evidentiary hearing, the Appeals Board concurs with Judge Holley's acceptance of Mr. Hansen's account and affirms Judge Holley's determination that Mr. Hansen was employed by GSM at the time of his accident.

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As to GSM's argument that Judge Holley should have allowed testimony regarding Mr. Hansen's alleged theft of a computer from the GSM work site, the Appeals Board notes that, after Judge Holley commented that such testimony was not relevant to Mr. Hansen's claim, GSM acquiesced to Judge Holley's position and did not actually proffer any testimony on the subject. Furthermore, GSM's motion for review provides insufficient basis to conclude that Judge Holley was incorrect. In light of GSM's failure to preserve its objection on this point, or to demonstrate that any error actually occurred, the Appeals Board will not consider these evidentiary questions further.

In summary, given the record before it, the Appeals Board affirms and adopts Judge Holley's findings and conclusions.

**ORDER**

The Appeals Board affirms Judge Holley's decision. It is so ordered.

Dated this 21<sup>ST</sup> day of December, 2007.

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Colleen S. Colton, Chair

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Patricia S. Drawe

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Joseph E. Hatch